

City of Taylorsville
Planning Commission Work Session
Minutes
Tuesday – April 26, 2005 – 6:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Kristie Overson
Blaine Smith
Ted Jensen
Aimee Newton
Phil Hallstrom
Dama Barbour

Excused: Joan Rushton-Carlson

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Nick Norris, City Planner
Amber Westenskow
Jean Gallegos, Secretary/Recorder

PUBLIC: Michele Barney, Mayor Janice Auger, John Inch Morgan

WELCOME: [18:03:36](#) **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 6:00 p.m.

HOME OCCUPATION

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| 1. 12H05 <u>Michele Barney, 2472 West Mango Road (4125 South)</u> – Family Child Day Care. (Dan Udall/City Planner) |
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1.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a family child day care home occupation in her home for up to 12 children per day. Two children under the age of six will be attending the day care. Proposed hours of operation are from 6:300 a.m. to 5:30 p.m., Monday through Friday. There is a chain link perimeter fence that surrounds the rear yard. The Planning Commission continued this application to the work session because the applicant did not attend the public hearing on April 12, 2005. The applicant informed Mr. Udall that she would be in attendance tonight. **Staff recommends approval subject to the following conditions:**

- 1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 1.1.2 A maximum of 12 children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children who are age 6 or younger and who are not yet in full day school.
- 1.1.3 The home occupation is subject to review upon complaint.
- 1.1.4 The outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.
- 1.1.5 The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary. This fenced in area includes the usable rear yard for the home.
- 1.1.6 The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.
- 1.1.7 A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking. That one parking spot should be provided for an additional employee.
- 1.1.8 A maximum of one name late sign is allowed to be attached to the single-family home. The sign is allowed to be 3 square feet.
- 1.1.9 That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.

- 1.1.10 The landscaped areas in the front yard and the dwelling unit shall be well maintained.
- 1.1.11 An additional employee as required by the Utah State Health Department is in attendance at this home occupation.

1.1.12 **[Added by Motion] Hours of operation to be 6:30 a.m. to 7:00 p.m., Monday through Friday.**

1.2 **DISCUSSION:** **Commissioner Hallstrom** asked if there had been any comments received from the surrounding neighbors regarding this application and Mr. Udall indicated there had not been. [18:06:31](#) **Commissioner Smith** advised that he had received a call which indicated that this applicant had been in business for some time, however, that he had no problem with this use.

1.3 **APPLICANT ADDRESS:** **Michele Barney** was present. [18:07:45](#) **Commissioner Hallstrom** asked Mrs. Barney what her child care background was and she replied that she had been doing this for five years at this location. That she has a State license to provide care for up to six children. She now has eight children in day care, one being her own, and when school gets out, it will be more than eight. **Commissioner Barbour** asked Mrs. Barney if she would need to upgrade her State license and was informed that is already in the process of being accomplished. [18:10:27](#) **Commissioner Newton** asked if the applicant had operated this business at 12 children previously and was informed that she had not cared for more than eight at one time and felt that was sufficient. **Commissioner Hallstrom** commented that he was glad the applicant came in because he felt it was impossible to argue with experience. [18:11:19](#) **Commissioner Overson** asked if the applicant was aware that she would need to keep an open parking place on site for her employee. **Mrs. Barney** advised that her employee was her husband and her 21 year old brother (who rides a bicycle) would help as needed.

1.3 **SPEAKING:** [18:12:30](#) **Patty Martinez** said that she has had her children in the day care for two years and was very satisfied with the care provided.

- 1.4 **MOTION:** [18:12:35](#) **Commissioner Hallstrom** - I make a motion for approval of this application as submitted with Staff recommendations.
SECOND: **Commissioner Newton.**
DISCUSSION: **Commissioner Overson** suggested adding the hours of operation. **Commissioner Hallstrom** added the hours of operation to his motion to be from 6:30 a.m. to 5:30 p.m., Monday through Friday. **Commissioner Barbour** asked if those hours were acceptable and [18:13:17](#) **Commissioner Newton** suggested keeping with the standard hours of operation for day care occupations as being 6:00 a.m. to 7:00 p.m., to which **Commissioner Hallstrom** agreed.
VOTE:
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| Commissioner Overson | AYE | Commissioner Smith | AYE |
| Commissioner Jensen | AYE | Commissioner Newton | AYE |
| Commissioner Hallstrom | AYE | Commissioner Barbour | AYE |

CONDITIONAL USE

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| 2. | 34C98A | <u>City of Taylorsville Administration - Accessory Structure at Fire Station #18, 5317 South 2700 West.</u> (Mark McGrath/Community Development Director) |
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2.1 **Mr. McGrath** advised that this item was continued to the work session by the Planning Commission in order to allow the City Administrator, John Inch Morgan, to be in attendance to answer questions. Staff has the same findings of fact and recommendations as stipulated in the April 12, 2005 meeting. [18:14:33](#)

2.2 **APPLICANT ADDRESS:** **Mayor Auger** [18:15:35](#) explained that a newly appointed police officer by the name of Jody Sampson is very involved in programs that benefit needy and traumatized children. She has developed contacts with organizations to help her with this cause and receives numerous donations of items such as children's books, etc., and needed a place in which to store them. **Mayor Auger** advised that the City Administrator, John Inch Morgan, asked her for a place to put this storage on City property until a permanent structure could be funded and built. The accessory building was donated to the City and she chose the temporary site and asked for approval from the Commission to keep it there temporarily.

2.2.1 **Commissioner Newton** [18:18:44](#) commented that the City is supposed to be setting an example and this may create an unfavorable precedent. She also felt that the existence of the shed at that location may present an unfavorable impression for developers who are thinking about a possible project on the City site. [18:19:18](#) Mayor Auger indicated that it is made perfectly clear during any meetings with developers who are interested in the site that the storage unit is a temporary structure.

2.2.2 **Commissioner Barbour** [18:19:49](#) asked how this could happen without first obtaining a permit and **Mayor Auger** replied that Mr. Morgan was very excited about cooperating with Officer Sampson and at that moment in time gave his permission to place the accessory building where it is located. Afterwards, it was realized that a permit would still be needed. **Commissioner Barbour** said that she had mixed feelings saying that we are all part of the City and didn't want to make things difficult for anyone but remembered a garage that came before the Commission that was built without a permit and it had to be torn down. [18:21:18](#) **Mayor Auger** commented that the difference is that the garage was never intended to be temporary and this shed is. [18:21:39](#) **Commissioner Barbour** said that the Commission has to ask themselves what would be the outcome if this were a Taylorsville citizen instead of the City administration and be consistent. [18:21:48](#) **Commissioner Hallstrom** said that the issue is not the function of the building but is it appropriate for what has been approved. There are architectural standards with which we must abide and the Commission must do what is right for the land. The fact that it is for a good reason cannot be relevant. **Mayor Auger** [18:23:17](#) said she understood that and was comfortable with using the building until a permanent facility could be built. She continued on to say that if this property were completely built out or sold and held a developer to a firm commitment, it would be different. That a construction trailer on the property would be tolerated and she would like this kept where it is as a temporary use.

2.2.3 [18:24:58](#) **Commissioner Newton** said that when the City doesn't obey their own ordinances it looks bad and felt this would create a negative impact on developers interested in the site.

2.2.4 [18:25:51](#) **Commissioner Barbour** commented that a temporary construction trailer would be there longer than the few months the City is asking for. **Commissioner Hallstrom** [18:26:04](#) said that a temporary construction trailer looks like exactly that, however, this looks like a permanent structure. If it were on wheels and had a sign thereon which said "temporary storage", it would be a lesser impact but this looks like real estate.

2.2.5 [18:27:13](#) **Mayor Auger** said that she apparently made a bad judgment call in allowing the building to be placed where it is, inasmuch as it was her call to place it there or on the parking lot somewhere.

2.2.6 [18:27:53](#) **Commissioner Hallstrom** suggested that it might be repainted and made to look a little better. [18:28:13](#) **Mayor Auger** advised that she has no budget from which to spend until July, so the time line would be the same to move it or paint it. **Commissioner Calacino** asked why it could not be placed within the sally port near the court entrance and Mayor Auger said that would be a safety issue involving transport of prisoners to and from court. [18:29:20](#) **Commissioner Smith** offered to donate the materials and paint to have it match the fire station. [18:29:46](#) **Mayor Auger** thanked him for the thought and said it is the will of the Planning Commission to change the paint, she would find the money to do so. [18:29:52](#) **Commissioner Newton** asked why the empty space in the basement of the City Hall could not be used for this purpose [18:30:27](#) and **Mayor Auger** said that also would be a compromise with the City records storage already in place there.

2.3 **SPEAKING:** No one came forward.

2.4 **DISCUSSION:** **Commissioner Overson** said that she still feels that the shed is clearly a violation and should come down. [18:31:31](#). **Commissioner Barbour** commented that she was sorry it ever happened. [18:31:55](#). **Commissioner Calacino** said the Commission has the option of getting rid of the shed or granting it temporary approval and asked for a motion.

2.5 **MOTION:** [18:32:27](#) **Commissioner Newton** I move that we deny Application 34C98A. My reasons would be that I don't know that we would give in on painting it or doing anything different for the average citizen. I think that if it is in violation of the ordinance that we would ask them to take it down, no matter the cause. As a City, we should be setting a higher standard and should at least be following our own rules.

SECOND: **Commissioner Hallstrom**

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| <u>VOTE:</u> | <u>Commissioner Overson</u> | AYE | <u>Commissioner Smith</u> | NAY |
| | <u>Commissioner Jensen</u> | NAY | <u>Commissioner Newton</u> | AYE |
| | <u>Commissioner Hallstrom</u> | AYE | <u>Commissioner Barbour</u> | NAY |

Inasmuch as the vote was 3 in favor and 3 in opposition, Commission Chairman Calacino cast his vote as AYE. Motion to deny passes 4 to 3.

WORK SESSION

3. Discussion in regards to the Jordan River Ordinance. – Proposed Chapter 13.40.320: Jordan River Parkway Easement.

3.1 [18:36:30](#) **Mr. McGrath** explained that the document the Commissioners had received in their packet pertaining to the Jordan River Parkway Easement was as submitted by Commissioner Jensen, with very few changes

by staff. **Mr. Maloy** commented that Commissioner Jensen had reduced a lot of information he had gathered into basic fundamental concepts and staff is preparing a presentation for public hearing next month.

3.1.1 [18:41:24](#) **Commissioner Hallstrom** commented that the river has a natural tendency to meander and presently there is no definition of the river bank. There needs to be a map that shows that.

3.1.2 [18:42:37](#) **Commissioner Jensen** said that the entire river is under the jurisdiction of the Army Corps of Engineers and that agency should make the river bank definition.

3.1.3 **Commissioner Calacino** suggested running this issue past the Salt Lake County Flood Control office for input and would try to have it done by the next work session. [18:44:53](#) **Commissioner Overson** agreed with Commissioner Hallstrom that there needs to be a base map in place as well as assurance that the map is updated often to keep it as current as possible. She agreed with consulting with the County on this issue.

3.1.4 [18:50:32](#) **Commissioner Jensen** and **Mr. Maloy** agreed to check with other cities to see what their process in this regard is. **Commissioner Calacino** volunteered to check with appropriate authorities in Salt Lake County and will bring something back for the work session.

4. Discussion of Planning Commission involvement with items appearing before the City Council.

4-1 [18:51:00](#) **Commissioner Jensen** commented that after attending several City Council meetings, he found that Staff's presentation must usually be neutral. However, he felt that the Planning Commission's perspective may be helpful and Commissioners should participate in the meetings by sharing their individual viewpoints with the City Council.

4.1.1 [18:53:16](#) **Commissioner Newton** advised she was apprehensive about individual Commissioners speaking for the Commission as a whole and felt a summary presented by staff may be more appropriate.

4.1.2 [18:54:40](#) **Commissioner Barbour** felt that Staff should not be required to always be neutral and should feel comfortable presenting their own views on specific issues. That the Councilmen and the Commissioners have different perspectives.

4.1.3 [18:55:29](#) **Commissioner Smith** had been given the impression by Councilman Wall that the Commissioner's presence was welcomed during City Council meetings.

4.1.4 [18:56:09](#) **Commissioner Overson** felt that the Councilmen were all elected officials and as such should be doing their home work on issues. That it should not be the responsibility of the Planning Commission to make sure the Councilmen are doing their job correctly. She felt that the communication between the two groups is very open and if the City Council asks for an opinion, Commissioners have every right to explain their individual views on an issue.

4.1.5 **Commissioner Calacino** [19:00:31](#) asked if staff's recommendations on items before the City Council contain suggestions from the Planning Commission or if they were entirely staff based. [19:01:02](#) **Mr. McGrath** advised that the initial recommendation is completely neutral; however, staff tries to represent the common good and not individual groups or agendas. Staff articulates the Planning Commission recommendation by including the verbiage of the motion and outlining the conditions for approval or denial. [19:02:29](#) **Commissioner Calacino** felt that by the time an issue gets to the City Council, the Planning Commission is the recommending body and for that reason the Commissioners need to do a better job of articulating their findings of fact. While staff recommendations are neutral he felt the Planning Commission should play a greater role in the presentation of their own views to the City Council. [19:04:39](#) **Mr. McGrath** advised that he agreed with that statement, however, staff is tasked with providing support to the City Council.

4.1.6 [19:05:59](#) **Commissioner Jensen** still felt that it would be appropriate for individual Commissioners to express their opinion and wanted to pursue that further. **Commissioner Hallstrom** [19:06:51](#) suggested one way to alleviate this problem is for Commissioners to be real specific in the language of their motion and fully explain their reasoning. [19:09:50](#) **Commissioner Calacino** suggested the following steps be taken: (1) For staff to make sure they emphasize what the Planning Commission recommendation was and supporting that with the findings of fact. (2) The Commission needs to do a good job of making the motions and outlining the findings of fact. (3) Possibly the Commissioner who has been assigned to attend the City Council meeting, should feel free to speak on an item the Commission has made recommendation on, during public comment. Prior to that meeting, the other Commissioners could possibly give their opinions to the Commissioner who will be attending to make sure all views are fully expressed. [19:11:25](#) **Mr. McGrath** suggested leaving the door open for staff to identify and address issues when potential for controversy is evident.

5. Discussion of recent amendments to the State of Utah Land Use Development and Management Act.
(Mark McGrath/Community Development Director)

5-1. Mr. **McGrath** [19:19:23](#) gave an overview of items contained in the new minimum standards established by the State of Utah for land use development and management. (LUDMA), which became effective on May 1, 2005. It is not a fundamental change in how things are being done but there will be an impact on specifics of Planning Commission authority, notice provisions, designating an appeal authority (typically the Board of Adjustment), it also specifies required elements to the General Plan, outlines the need to review and modify the ordinance on exactions and allows for special exceptions. Basically the new law says before a condition can be placed on a conditional use permit, it must be backed up by standard in the City's Code of Ordinances. [19:29:07](#) Therefore, more specific guidelines will be needed when it comes to development in the City. (Mr. McGrath touched on the high points of the standards used in Salt Lake County). He advised that Taylorsville will need to incorporate design standards as part of the ordinance and felt there were many good ideas in Salt Lake County's design standards which could be incorporated into Taylorsville's design standards. By so doing, it takes the Planning Commission out of the position of talking someone into a good development but rather has specific guidance for reference and will shift the Commissioner's role more towards planner and away from regulator.

5.1.1 **Commissioner Calacino** wondered if the constraints placed on the City Center Master Plan might be what is holding it up from being developed. **Commissioner Hallstrom** was of the opinion that the standards established on the City property are keeping them from being able to conclude a sale. There are many factors involved in that, i.e., traffic, etc., however, that if the City is patient, the market will come to that standard and will equate to more money acquired by the sale.

5.1.2 [19:36:19](#) **Mr. McGrath** advised that the City Center Master Plan was clearly a change in direction in how things are built in the City. Everyone wanted something special and not just another commercial development and knew at the onset that it would not be an easy sell to developers. The most pressing change created by LUDMA will involve the conditional use process and that should be addressed at a work session fairly soon. There needs to be a unified development ordinance and revamping of the zoning ordinance. [19:42:07](#) In the meantime, in their reports to the Commission, staff will be very cognizant of the conditions for approval, findings of fact and recommended motions. [19:51:24](#). The completed design standards must be approved by the legislative body of the City, which is the City Council.

6. Updates of projects that are currently under construction or in the planning stage.
(Michael Maloy/City Planner)

6.1 [19:14:06](#) **Mr. Maloy** advised that this is in response to a request from the Planning Commission Chairman for staff to prepare an update of current projects. Staff prepared a table showing the open projects and was prepared to answer questions from the Commissioners if there were any. [19:14:37](#) **Mr. Norris** advised that this table will be furnished to the Commissioners quarterly from now on. Commissioners felt this was a great idea and thanked staff for their efforts.

7. American Planning Association Conference Reports

[19:53:28](#) Reports were given by Mark McGrath, Kristie Overson, Nick Norris and Amber Westenskow regarding their experience at the American Planning Association Conference held in San Francisco this Spring.

ADJOURNMENT: By motion of Commissioner Barbour, the meeting was adjourned at [21:02:19](#)

Respectfully submitted by:

Jean Gallegos, Administrative
Assistant to the Planning Commission

Approved in meeting held on June 14, 2005.